



**Department of  
Defense**

**National Security  
Personnel System**



## **Fundamentals of NSPS**

### **An Overview of the Proposed Regulations**





*Spring 2005*

## **Welcome to the *Fundamentals of NSPS*** **Proposed Regulations**

In February 2005, DoD published proposed regulations for the National Security Personnel System (NSPS) in the Federal Register.

The NSPS statute provides for a minimum 30-day "meet and confer" period during which employee representatives, DoD and OPM officials discuss union concerns and recommendations. These sessions started on April 18, 2005.

DoD and OPM will report the results of the meet and confer process to Congress. Final decisions on the proposed regulations will not be made until the meet and confer process is completed.

**[Click here to continue...](#)**



*Spring 2005*

A blurred, motion-filled photograph of two people walking down a hallway. One person is in the foreground, slightly out of focus, wearing a dark jacket and light-colored pants. Another person is in the background, also slightly blurred, wearing a light-colored top and dark pants. The background shows architectural details like columns and a ceiling.

## **Welcome to the *Fundamentals of NSPS***

### **Proposed Regulations**

To help you understand the proposed regulations, the NSPS PEO has created the *Fundamentals of NSPS*.

*Fundamentals of NSPS* presents the proposed NSPS regulations in an accessible, easy-to-understand format.

It presents summaries for every NSPS section. It also provides a glossary and acronym list so you can better understand the proposed system.

**[Click here to continue...](#)**



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations**  
**Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

### **Getting Started**

The information is categorized by regulation subpart. The subparts are listed as topics on the navigation bar on the left side of each page.

For each subpart, you can review:

- Analysis of the proposed regulation
- Knowledge checks to test your understanding

The analyses pages provide links to the preceding and following sections and to the regulation as published in the Federal Register.

***Click a topic to begin!***

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## General Provisions

The proposed regulations contain the following sections.  
Select one for more information.

- [Purpose](#)
- [Eligibility and Coverage](#)
- [Scope of Authority](#)
- [Coordination with OPM](#)
- [Continuing Collaboration \(with employee representatives\)](#)
- [Relationship to Other Provisions](#)
- [Program Evaluation](#)



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions Menu](#)

### Purpose

(  
**9901.101**  
)

The purpose of these regulations is to establish **NSPS** as the new human resources management system for DoD. The regulations are based on **guiding principles** and **key performance parameters** set by DoD and OPM leadership.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) > [Definitions](#)

## Eligibility and Coverage

(  
**9901.102**)

All civilian **employees** are eligible for coverage, except to the extent specifically prohibited by law.

**Note:** Each subcategory of the regulations contains a “coverage” section that provides specific coverage details.

The **Secretary**, at his discretion, may:

- Bring employees into NSPS at any time (including those under discretionary personnel systems (title 10) under certain conditions).
- Establish an effective date for applying the NSPS Labor Relations System to all eligible employees (including laboratory demonstration projects, non-appropriated fund, and Federal Wage System (FWS) employees). (Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [General Provisions](#) > [Definitions](#)

### Eligibility and Coverage - Continued

(  
**9901.102**)

Any new classification, pay or performance management system covering the **Senior Executive Service (SES)** will conform to OPM government-wide policies and procedures. If the Secretary brings SES into NSPS under rules substantially different from government-wide policies, DoD and OPM must issue jointly prescribed regulations setting new rules.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) > [Definitions](#)

### Scope of Authority

(  
**9901.104**)

The authority for implementing NSPS is 5 U.S.C. 9902 (title 5). The NSPS regulations waive or modify certain chapters of title 5, including:

- Chapter 31, 33, and 35 (Staffing, employment, and workforce shaping)
- Chapter 43 (Performance appraisal systems)
- Chapter 51 (General Schedule job classification)
- Chapter 53 (Pay for General Schedule employees, pay and job grading for Federal Wage System employees, and pay for certain other employees)
- Subchapter V of chapter 55 (Premium pay), except section 5545b (firefighter pay)
- Chapter 75 (Adverse actions)
- Chapter 77 (Appeal of adverse actions and certain other actions)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) > [Definitions](#)

### Coordination with OPM

(  
**9901.105**)

DoD will coordinate with OPM prior to establishing or modifying aspects of the NSPS **classification** system, compensation system, appointing authorities, and examining procedures.

When the Secretary proposes an action requiring coordination, the Secretary will allow the **Director** time to comment, consider the Director's comments, and provide notice of implementation of the action before any final determination is made.

## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) > [Definitions](#)

## Continuing Collaboration

(  
**9901.106**)

DoD will include labor unions in further development and/or adjustment of NSPS, including development of internal implementing issuances.

The unions will have the opportunity to meet and discuss their views with DoD officials. DoD will determine the timelines and terms for the meetings.

Written comments/recommendations from the unions will be part of the record and will be considered before a final decision is made.

This is NOT a bargaining process, and the Secretary reserves the right to determine content of any **implementing issuances**.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) -> [Definitions](#)

## Relationship to Other Provisions

(  
**9901.107**)

These regulations must be recognized as a means to promote swift, effective day-to-day accomplishment of the DoD mission. DoD and OPM interpretation of these regulations must be accorded great deference.

NSPS employees will be covered under the waived/modified chapters for the purpose of other laws outside those chapters, except as specifically provided in the NSPS regulations or in DoD implementing issuances.

Certain law enforcement officer special rates and geographic adjustments do not apply to employees covered by the NSPS classification and pay system.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

### **Relationship to Other Provisions - Continued**

[Home](#) [General Provision Menu](#)

(  
**9901.107**)

Nothing in NSPS waives or modifies employment discrimination laws under the Equal Employment Opportunity Commission (EEOC).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [General Provisions](#) [Program Evaluation](#)

### Program Evaluation

(  
**9901.108**)

DoD will establish program evaluation procedures to evaluate NSPS regulations and implementation. Employee representatives will have a role in this evaluation process.



## General Provisions - Knowledge Check 1

Click the appropriate answer:

The proposed NSPS regulations completely replace title 5.

- a) True
- b) False

## General Provisions - Knowledge Check 2

Click the appropriate answer:

Who is eligible for coverage under NSPS?

- a) Management only
- b) Senior Executives
- c) Employees with 10 years of service or less
- d) All civilian DoD employees

## General Provisions - Knowledge Check 3

Click the appropriate answer:

DoD will work with OPM and collaborate with \_\_\_\_\_ during development of NSPS implementing issuances.

- a) the Government Accountability Office (GAO)
- b) union representatives for civilian DoD employees
- c) the Office of Management and Budget (OMB)
- d) the Department of Homeland Security (DHS)

## General Provisions - Knowledge Check 4

Click the appropriate answer:

NSPS affects employment discrimination laws under the EEOC.

- a) True
- b) False



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## Classification

The proposed regulations contain the following sections.  
Select one for more information.

- Purpose
- Coverage
- Waivers
- Career Groups
- Pay Schedules and Pay Bands
- Classification Requirements
- Reconsideration of Classification Decisions
- Conversion of Positions and Employees to the NSPS Classification System

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification Menu](#)  
e

## Purpose

(  
9901.201  
)

The classification sections of the regulations provide a framework for DoD to establish a new job **classification** system. Similar to the title 5 system, NSPS will fulfill the merit principle that equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector and appropriate incentives, and recognition should be provided for excellence in performance.

This new method of classification will:

- Use broader pay bands than the General Schedule (GS)
- Allow for market-sensitive pay decisions

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification Menu](#)  
e

## Coverage

(  
**9901.202**  
)

The classification regulations make the following categories of **employees** eligible for coverage: General Schedule, Federal Wage System, **SES**, senior and scientific or professional positions (**SL/ST**), and others as determined by the Secretary.



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification Menu](#)  
e

### **Waivers**

(  
**9901.203**)

The NSPS classification system may waive certain title 5 provisions for DoD employees.

The section of title 5 dealing with the classification of **positions** above GS-15 is not waived for the purpose of defining and allocating SES positions or applying provisions of law outside the waivable and modifiable chapters of title 5.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification Menu](#)

## Career Groups

(  
**9901.211**)

NSPS implementing issuances will document and explain the new DoD **career groups**. DoD will base these groups on mission/function, nature of work, qualifications or competencies, career or pay progression patterns, relevant labor-market features, and other characteristics.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification menu](#)

# Pay Schedules and Pay Bands

(  
9901.212  
)

Implementing issuances will establish **pay schedules** for career groups. Pay schedules will identify relative levels of work and corresponding pay ranges within a career group. Pay schedules will typically include most or all of the following levels of work:

- Entry/developmental work that involves a combination of formal training and/or on-the-job experience.
- Work that involves nonsupervisory duties and responsibilities at the full performance level of the occupation.
- Nonsupervisory expert work that involves a high level of specialized knowledge or technical expertise.
- A separate pay schedule for:
  - Work that involves the supervision of employees at the full performance or expert level.
  - Managerial work whose primary purpose is to direct key DoD/Component scientific, medical, legal, administrative, or other programs. (**Continued**)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

### **Pay Schedules and Pay Bands - Continued**

(  
**9901.212**)

Each pay schedule may include two or more **pay bands**. The pay bands within a pay schedule will represent progressively higher levels of work with correspondingly higher pay ranges.

The graphic on the following page shows an example of how a classification structure may be implemented.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

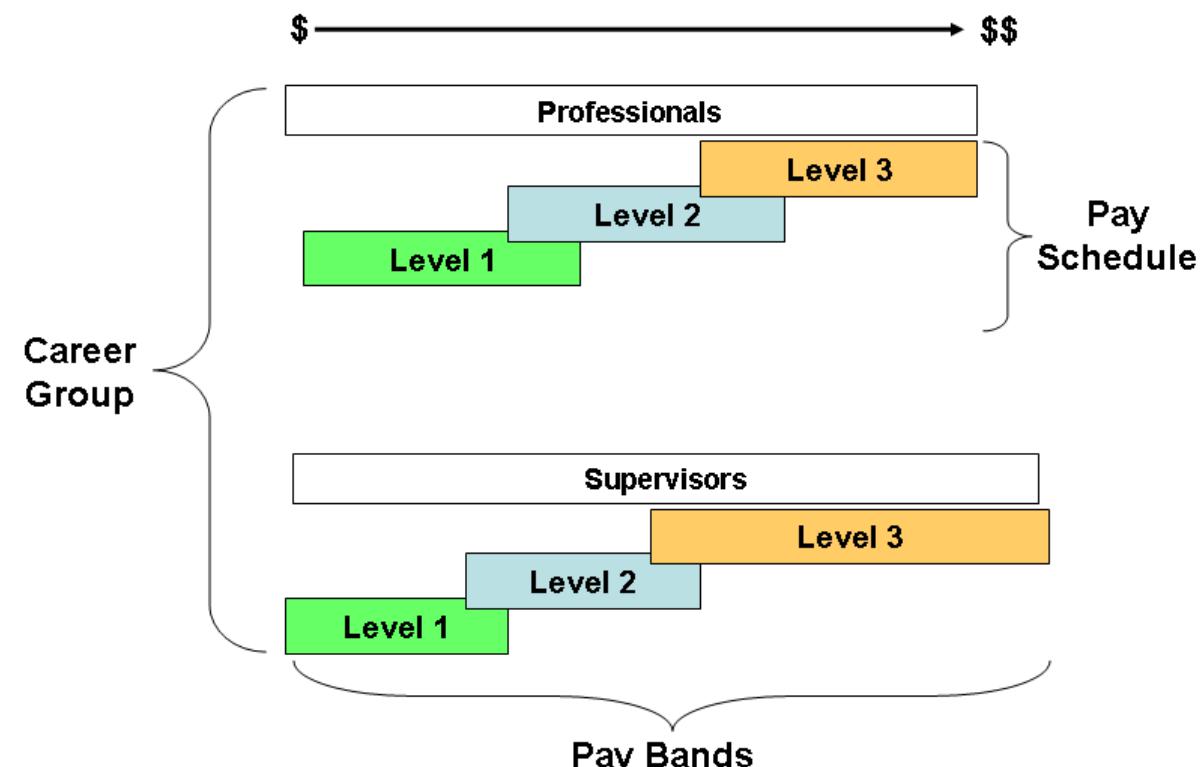
Appeals

Labor-  
Management  
Relations  
Exit

## Fundamentals of NSPS: An Overview of the Proposed Regulations

### Pay Schedules and Pay Bands - Continued

(  
9901.212  
)



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification](#) > [Requirements](#)

# Classification Requirements

(  
**9901.221**)

DoD will establish a method for describing and documenting duties, responsibilities, and qualifications requirements of job categories (position descriptions). As part of this method, DoD will generally retain OPM **occupational series** and related criteria for purposes of assigning positions to occupations. DoD will establish internal classification criteria for assigning positions into career groups, pay schedules, and pay bands.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) [Classification Manual](#)

# Reconsideration of Classification Decisions

(  
**9901.222**)

Under NSPS, employees may request that DoD reconsider the classification (career group, pay schedule, occupational series, or pay band) of their official positions of record at any time, and may subsequently ask that OPM reconsider a DoD decision, as they can today under the GS system.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Classification Menu](#)

### **Conversion of Positions and Employees to the NSPS Classification System**

**9901.231)**

The **implementing issuances** will prescribe policies and procedures for converting employees to the NSPS pay banding system. These policies and procedures will guarantee that employees will not experience a reduction in their salary upon conversion.

## Classification - Knowledge Check 1

Click the appropriate answer.

Which of the following is NOT a goal of the NSPS classification system?

- a) To align with the merit principle that equal pay should be provided for work of equal value.
- b) To follow the current title 5 classification structure.
- c) To appropriately consider both national and local rates paid by employers in the private sector.
- d) To provide appropriate rewards and recognition for outstanding performance.

## Classification - Knowledge Check 2

Click the appropriate answer.

Which one of the following factors will NOT contribute to the definition of the new DoD career groups?

- a)DoD mission/function
- b)Qualifications/competencies
- c)Tenure
- d)Nature of work

## Classification - Knowledge Check 3

Click the appropriate answer.

NSPS will \_\_\_\_\_ the ability of employees to file a classification appeal (request for reconsideration).

- a)Expand
- b)Reduce
- c)Not impact

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)  
[e](#)

## Pay and Pay Administration

The proposed regulations contain the following sections.

Select one for more information.

- [Purpose](#)
- [Coverage](#)
- [Waivers](#)
- [Major Features of the Pay System](#)
- [Maximum Rates](#)
- [National Security Compensation Comparability](#)
- [Structure for Setting and Adjusting Rate Ranges](#)
- [Setting and Adjusting Rate Ranges](#)
- [Eligibility for Pay Increase Associated with a Rate Range Adjustment](#)
- [Local Market Supplements](#)
- [Setting and Adjusting Local Market Supplements](#)
- [Eligibility for Pay Increase Associated with a Supplement Adjustment](#)
- [Pay and Pay Admin](#)
- [Performance-Based Pay List Definitions](#)
- [Performance Payouts](#)
- [Pay Reduction Based on Unacceptable Performance and/or Conduct](#)
- [Other Performance Payments](#)
- [Treatment of Developmental Positions](#)
- [Setting an Employee's Starting Pay](#)
- [Setting Pay Upon Reassignment](#)
- [Setting Pay Upon Promotion](#)
- [Setting Pay Upon Reduction in Band](#)
- [Pay Retention](#)
- [Miscellaneous Pay Administration](#)
- [Premium Pay - General](#)
- [Conversion Principles](#)
- [Creating Initial Pay Ranges](#)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Men  
e](#)

## Purpose

(  
**9901.301**)

The **pay** and pay administration sections of the proposed NSPS regulations establish the framework for the NSPS pay system. They include provisions for setting pay rates for **pay bands**, pay administration, performance pay, and premium pay. This new system links pay to employees' **performance** ratings and is designed to promote a high-performance culture within DoD.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) [Menü](#)  
e

## Coverage

(  
**9901.302**)

The pay and pay administration sections apply to:

- Employees and positions covered by the GS pay system
- Federal Wage System employees
- Employees in senior-level and scientific or professional positions (SL/ST)
- Members of the SES
- Others designated by the Secretary

This section does not apply in determining premium pay coverage.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Waivers](#)

### Waivers

(  
**9901.303**)

When a specified category of employees is covered under this section, certain provisions under chapters 53 and 55 of title 5 are waived.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

### **Major Features of the Pay System**

(  
**9901.311**)

Through **implementing issuances**, DoD will establish policies for determining the structure of pay rate ranges for pay bands and for including policies for adjusting rate ranges based on mission requirements, labor market conditions, and other factors.

The issuances will also cover policies for pay setting, pay administration, performance payouts, and premium pay.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

### Maximum Rates

(  
9901.312

The Secretary will establish maximum rates for basic and aggregate pay.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

# **National Security Compensation Comparability** ( **9901.313**)

To the maximum extent practicable for FY 2004 through 2008, the overall amount allocated for compensation for NSPS employees will not be less than would have been allocated had they not been converted to NSPS. These calculations are in the aggregate, not per employee or work unit.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)  
[e](#)

# **Structure for Setting and Adjusting Rate Ranges ( 9901.321**

The Secretary has the authority to set minimum and maximum rates of pay for each **pay band**. The ranges will include consideration of:

- Mission requirements
- Labor market conditions
- Availability of funds
- Pay adjustments authorized for other Federal employees
- Other relevant factors

The established pay band ranges will apply in all locations.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

# Setting and Adjusting Rate Ranges

(  
**9901.322**)

The Secretary may set the effective date for rate range adjustments.

Rate range adjustments may be different for different pay bands. Adjustments to the minimum rate and maximum rate may be different (e.g., raise the minimum rate by 1% and the maximum by 3%).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)

### **Eligibility for Pay Increase Associated with a Rate Range Adjustment**

**9901.323)**

Employees that are performing at an acceptable level may receive an annual basic pay increase equal to the percentage increase in the minimum rate of their band. Employees with a performance rating of unacceptable will not receive this adjustment.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)  
e

## Local Market Supplements

**(9901.331 and  
9901.332)**

For each pay band, DoD may establish local market supplements (in addition to basic pay) that apply to specified locality areas.

DoD may establish different local market supplements for different **career groups**/occupations/pay bands in the same locality area.

Similar to GS locality pay, local market supplements are considered basic pay for various purposes, such as retirement, life insurance, premium pay, severance pay, and other purposes as authorized in DoD issuances.

Eligibility for Pay Increase  
Associated with a Rate Range Adjustment

Setting & Adjusting Local Market Supplements

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## Fundamentals of NSPS: An Overview of the Proposed Regulations

# Setting and Adjusting Local Market

[Home](#) -> [Pay and Pay Administration Menu](#)  
e

Supplements  
(

9901.333  
)

The Secretary has the authority to set and adjust local market supplements. Setting and adjusting the supplements will include consideration of:

- Mission requirements
- Labor market conditions
- Availability of funds
- Adjustments received by employees of other Federal agencies
- Other relevant factors



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)

### **Eligibility for Pay Increase Associated with a Supplement Adjustment**

**9901.334)**

Employees performing at an acceptable level will receive local market supplement adjustments.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

### Performance-Based Pay - General

(  
**9901.341**)

Through NSPS, DoD will gain the flexibility to allocate available funds to employees based on individual, team, or organizational performance. The goal is to foster a high-performance culture that supports mission accomplishment.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

## Performance Payouts

(  
**9901.342**  
)

NSPS will establish a performance-based system to distribute pay raises and bonuses based on individual performance, **contribution**, organizational performance, or a combination of those elements.

An employee's most recent **rating of record** will be used as the basis for his/her performance pay increase. Implementing issuances will also include procedures on how to challenge ratings (see 9901.409).

NSPS will use a pay pool concept to determine **performance payouts**, which will be in the form of **performance shares** (units of **pay pool** funds), expressed as salary increases, **bonuses**, or both.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Model](#)

## Performance Payouts - Continued

(  
**9901.342**

)

Rating Level	Share Range
5	6 - 8
4	3 - 6
3	1 - 2
2	0
1	0

This table illustrates how share ranges could be associated with a five-level rating system. In this chart, Level 5 represents the highest level of performance.

Note: This is one example of what could be implemented.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)

e

### Performance Payouts - Continued

**(9901.34  
2)**

The performance payout is a function of the amount of money in the performance pay pool and the number of shares assigned within the pay pool. An individual employee's payout will consider the number of shares assigned and the current salary of the employee. Policies and procedures regarding pay pools and funding will be set through internal issuances. The Secretary may determine a percentage of pay to be included in pay pool funds (to be paid out in salary increases and/or bonuses).

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Model](#)

### Performance Payouts - Continued

(  
**9901.342**

Increases to basic pay may not cause the basic pay of an employee to exceed the maximum of his or her pay band. In such situations, the amount of the payout that exceeds the maximum of the pay band will be paid as a bonus.

**Example:** If the maximum of a pay band is \$30,000, and an employee earning \$28,750 is awarded a payout of \$3,000, then the employee may receive an increase in basic pay of not more than \$1,250 ( $\$28,750 + \$1,250 = \$30,000$ ) with the remainder (at least \$1,750) paid as a bonus.

DoD will set procedures for specially-situated employees, including new hires, employees in leave without pay status, those returning from military duty, those returning to duty from workers compensation status, and employees in developmental positions.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)

### **Pay Reduction Based on Unacceptable Performance and/or Conduct**

**9901.343)**

A reduction of salary is possible if an employee receives a performance rating of “unacceptable”. However, reductions in pay may not exceed 10% of an employee’s basic salary unless a larger reduction is necessary to set the pay at the maximum rate of a lower band.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

## Other Performance Payments

(  
**9901.344**  
)

Other discretionary performance payments include payments to recognize organizational or team performance, extraordinary individual performance, or other special circumstances. The amount of such payments may not cause the employee's basic pay to exceed the maximum rate of the employee's assigned pay band.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > Pay and Pay Administration Menu  
[e](#)

## Other Performance Payments - Continued

(  
**9901.344**

)

Extraordinary Pay Increase – An **extraordinary pay increase (EPI)** is a payment used to reward employees when the payout formula does not adequately compensate them for their extraordinary performance. It is to be used sparingly and only to reward exceptionally high-performing employees whose performance and contributions to the organization are of an exceedingly high value. The performance must be expected to continue at an extraordinarily high level in the future.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)

## **Other Performance Payments - Continued**

### **(9901.344)**

Organizational Achievement Recognition - This type of recognition may take the form of additional compensation paid to employees of a team, unit, branch, or organization whose performance and contributions have successfully and directly advanced organizational goal(s).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > Pay and Pay Administration Menu  
e

### **Treatment of Developmental Positions**

(  
**9901.345**)

The implementing issuances will provide guidance on pay increases for developmental positions.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [Pay and Pay Administration](#) > [Definitions](#)

### Setting an Employee's Starting Pay

(  
**9901.351**)

Under NSPS, pay for initial appointment may be set anywhere in the rate range for the assigned pay band, subject to DoD implementing issuances.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Definitions](#)

### Setting Pay Upon Reassignment

(  
**9901.352**)

Pay for voluntary or involuntary **reassignments** may be set anywhere in the rate range for the assigned pay band, subject to DoD implementing issuances. Also, depending on the **adverse action** procedures in these regulations and implementing issuances, an employee could be subject to a salary reduction of up to 10%.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)  
e

### **Setting Pay Upon Promotion**

(  
**9901.353**)

Subject to DoD implementing issuances, DoD may set pay anywhere within the assigned pay band when an employee is **promoted** to a position in a higher pay band.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [Pay and Pay Administration](#) > [Setting Pay Upon Reduction in Band](#)

### Setting Pay Upon Reduction in Band

(  
**9901.354**)

Subject to implementing issuances, DoD may set pay anywhere within the assigned pay band when an employee is **reduced in band**, either voluntarily or involuntarily. Pay retention rules will apply, when applicable.

For involuntary reductions through adverse actions, reductions in pay may not exceed 10% of an employee's basic salary unless it is necessary to set the pay at the maximum rate of a lower band. This does not prevent management from taking other actions (including separation) as a result of unacceptable performance.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) > [Pay Retention](#)

### Pay Retention

(  
**9901.355**  
)

NSPS will authorize pay retention (protecting an employee's former rate of pay that is above his/her current pay band), when an employee's pay would otherwise be reduced through no fault of his/her own and would be subject to rules set in internal DoD issuances.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) -> [Miscellaneous Pay Administration](#)

### **Miscellaneous Pay Administration**

(  
**9901.356**

Except for employees with an “unacceptable” rating, employee salaries cannot be less than the minimum rate of the assigned pay band. Except for instances of pay retention, employee salaries cannot exceed the maximum rate of the assigned pay band.

DoD will follow applicable pay period and pay rate computation rules in chapter 55 of title 5.

Subject to implementing issuances, DoD may set the basic pay rate for employees with expiring temporary reassignments. Any resulting reduction in pay is not considered an adverse action.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration Menu](#)  
e

### Premium Pay - General

(  
**9901.361**)

These regulations enable DoD to establish rules that change premium pay (e.g., overtime rates; compensatory time off; Sunday, holiday, standby, irregular, and hazardous duty pay). The changes will be detailed in implementing issuances.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) -> [General](#)

### Conversion Principles - General

(  
**9901.371**  
)

Implementing issuances will prescribe policies and procedures for converting employees to NSPS.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Pay and Pay Administration](#) / [Initial Pay Ranges](#)

### Creating Initial Pay Ranges

(  
**9901.372**

DoD will set the initial band rate ranges for the NSPS pay system. The rate ranges will link directly to converted employees' pay in their previous system. The ranges will also account for locality payments by incorporating the local market supplement.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > Pay and Pay Administration > [NSPS Pay System](#)

# Conversion of Employees to the NSPS Pay System (9901.373)

No reduction in an employee's basic pay rate (including locality pay) will occur as a result of NSPS conversion. Employees receiving special rates under current law will be converted to an equal rate of pay consisting of basic pay and a local market supplement. This will not be considered an adverse action (based on a reduction in basic pay, as the rate of pay will not change).

Temporarily promoted employees before the conversion will return to their official position prior to the change. Temporary promotions made after the conversion are subject to the new NSPS system.

The Secretary may make one-time pay adjustments for GS employees and others upon their conversion. The implementing issuances will describe the aspects of this one-time increase.

## Pay and Pay Administration - Knowledge Check 1

Click the appropriate answer.

If a maximum of a rate range is increased, then the minimum of the rate range must increase the same amount.

- a) True
- b) False

## Pay and Pay Administration - Knowledge Check 2

Click the appropriate answer.

Employees who are performing at an unacceptable level will not be eligible for local market supplement adjustments.

- a) True
- b) False

## Pay and Pay Administration - Knowledge Check 3

Click the appropriate answer.

NSPS emphasizes that pay raises and bonuses should be awarded to employees based on all of the following criteria except:

- a) Individual performance
- b) Contribution to the DoD mission
- c) Length of service
- d) Organizational performance

## Pay and Pay Administration - Knowledge Check 4

Click the appropriate answer.

An employee's pay will not be reduced as a result of the conversion to NSPS.

- a) True
- b) False



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

# Performance Management

The proposed regulations contain the following sections.

Select one for more information.

- Purpose
- Coverage
- Waivers
- Performance Management System Requirements
- Setting and Communicating Performance Expectations
- Monitoring Performance and Providing Feedback
- Developing Performance and Addressing Poor Performance
- Rating and Rewarding Performance

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management Menu](#)

### Purpose

(  
**9901.401**)

The NSPS **performance management system** will promote a **high performance** culture in DoD. It will include the following elements:

- Adherence to merit principles
- Fair, credible, and transparent **appraisal** system
- Link between performance management system and DoD's strategic plan
- Means for ensuring employee involvement in development of the system
- Adequate training for **supervisors**, managers, and **employees**
- Process for ongoing performance feedback and dialogue between employees and supervisors throughout the appraisal cycle
- Safeguards to ensure that the system is fair and equitable
- **Pay-for-performance** to better link individual pay to performance

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management](#) > [Coverage](#)

## Coverage

(  
**9901.402**)

The NSPS performance management system covers: )

- Employees and positions who would otherwise be covered by chapter 43 of title 5
- Employees and positions who were excluded from chapter 43 by OPM prior to the date of coverage of these regulations
- Others designated by the Secretary

This part of the NSPS regulations does not apply to employees who have not been, and are not expected to be, employed in an NSPS position for longer than a minimum period during a single 12-month period.

It will also include a provision to allow the Secretary to exercise other, non-title 5 authorities to provide coverage under this system.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management Module](#)

### Waivers

(  
**9901.403**)

The provisions under chapter 43 of title 5 are waived for employees covered by the NSPS performance management system.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management Menu](#)

# Performance Management System Requirements - Continued

(

## 9901.405)

Under NSPS, DoD will assess employee behavior that enhances or impairs job accomplishment. The regulations provide for consideration of employee behavior as a performance factor, element, or objective, such as "teamwork/cooperation." Under this system, managers will be responsible for clearly setting behavioral expectations throughout the performance period. Employees will be responsible for adhering to these behavioral expectations.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management](#) Menu

# Performance Management System Requirements - Continued

Under this system, managers (~~and HR~~ ~~and 1001.405~~) are responsible for:

- Clearly communicating performance expectations and holding employees accountable.
- Making meaningful distinctions among employees based on performance and contribution.
- Fostering and rewarding excellent performance.
- Addressing poor performance.
- Ensuring that employees are assigned a rating of record when required by DoD implementing issuances.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

# **Setting and Communicating Performance Expectations (9901.406)**

[Home](#) -> [Performance Management Menu](#)

e

Performance expectations will support and align with the DoD mission and its strategic goals.

Supervisors will communicate expectations clearly to employees prior to holding employees accountable for them.

Employees are always accountable for demonstrating professionalism and standards of appropriate conduct and behavior.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management Menu](#)

### **Setting and Communicating Performance Expectations - Continued**

#### **9901.406)**

Performance expectations can take the form of:

- Goals or objectives
- Organizational, occupational, or other work requirements
- A particular work assignment, including expectations regarding the quality, quantity, accuracy, and/or timeliness
- Competencies an employee is expected to demonstrate on the job and/or the contributions an employee is expected to make

As part of this system, supervisors will involve employees in expectation development to the maximum extent practicable. This involvement will help employees understand the goals of the organization and the actions and tasks required to achieve those goals. Final decisions regarding performance expectations are within the sole discretion of the supervisor.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## Fundamentals of NSPS:

*An Overview of the Proposed Regulations*

# Monitoring Performance and Providing Feedback

In applying the new performance system and **9901.407**,  
implementing issuances, managers will be responsible for:

- Monitoring the performance of employees and their contributions to the organization.
- Providing ongoing (i.e. regular and timely) feedback to employees about their performance with respect to their expectations. One or more interim performance review(s) will occur during each **appraisal period**.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Performance Management Menu](#)

### **Developing Performance and Addressing Poor Performance**

**9901.408)**

Implementing issuances will prescribe procedures that supervisors will use to develop performance and to address poor performance.

If a supervisor determines an employee's performance is unacceptable, the supervisor will consider a range of options available to address the performance deficiency (e.g. remedial training, a **reassignment**, an oral warning, or **adverse action**) and take appropriate action to address the deficiency.

Employees may appeal certain adverse actions based on unacceptable performance.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)  
[Performance Management Menu](#)

## Rating and Rewarding Performance

(  
**9901.409**)

The NSPS performance management system, as established in internal DoD issuances, will include a multi-level rating system.

Under NSPS, DoD will use performance ratings to determine performance payouts, reduction in force (RIF) retention standing, and other appropriate actions.

Ratings will be considered final and official when issued to the employee with all appropriate signatures and reviews. Rating officials will communicate the rating and number of shares earned to the employee prior to the payout.

Employees will be able to challenge rating determinations through a reconsideration process (to be specified in DoD implementing issuances).

[Developing Pe  
rformance & A  
ddressing Poo  
r Performance](#)

[Knowledge Ch  
ecks](#)

## Performance Management - Knowledge Check 1

Click the appropriate answer.

Under the new performance management system, which of the following are managers NOT responsible for?

- a) Clearly communicating performance expectations and holding employees accountable.
- b) Making meaningful distinctions among employees based on performance and contribution.
- c) Fostering and rewarding excellent performance.
- d) Creating their own method of rating.

## Performance Management - Knowledge Check 2

Select the feature that does NOT apply to the NSPS performance management system.

- a) Employees will undergo periodic appraisals (normally annually).
- b) Employees will not have a role in defining their own performance expectations.
- c) Managers will be held accountable for managing performance.
- d) Managers will communicate performance expectations, monitor performance, provide feedback and fairly rate and reward employees based on performance.

## Performance Management - Knowledge Check 3

Click the appropriate answer.

In the new system, managers and supervisors will be expected to provide feedback and open dialogue through periodic formal and informal appraisals.

- a) True
- b) False

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)  
[e](#)

## Staffing and Employment

The proposed regulations contain the following sections.

Select one for more information.

- Purpose
- Scope of Authority
- Coverage
- Appointing Authorities
- Probationary Periods
- Qualification Standards
- Non-Citizen Hiring
- Competitive Examining Procedures
- Internal Placement



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Menu](#)

### Purpose

(  
**9901.501**

In order to meet its critical mission requirements in a dynamic national security environment, the **Department** needs greater flexibility to attract, recruit, shape, and retain a high quality workforce.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Menu](#)

### **Purpose - Continued**

(  
**9901.501**)

The staffing and employment sections of the proposed regulations provide the framework for:

- Qualification requirements
- Recruitment for, and appointment to, positions
- Assignment, **reassignment**, detail, transfer, or **promotion** of employees, in accordance with merit principles and veterans' preference.

These sections preserve merit principles and veterans' preference, while providing DoD managers with greater flexibility in acquiring, advancing, and shaping a workforce tailored to the Department's needs.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Menu](#)

## Scope of Authority

(  
9901.502  
)

The staffing and employment sections of the proposed regulations modify and replace certain sections of title 5 for specified categories of employees, applicants, and positions. **Implementing issuances** will provide guidance for carrying out the provisions in these proposed regulations.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment](#) > [Coverage](#)

## Coverage

(  
**9901.503**)

Subject to a determination by the Secretary, the following employees and positions in DoD organizational and functional units are eligible for coverage under the staffing and employment sections of the NSPS regulations:

Employees and positions who would otherwise be covered by 5 U.S.C. chapters 31 and 33 (excluding SES)

Such others, designated by the **Secretary**, as DoD may be authorized to include under 5 U.S.C. 9902.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment](#) > [Proposed](#)

# Appointing Authorities

(  
**9901.511**)

Competitive and Excepted Appointing Authorities—The Secretary and [OPM](#) may jointly establish new appointing authorities (e.g., career interns, scholastic achievement). These regulations do not preclude continued use of existing appointing authorities established by OPM.

[Additional NSPS Appointing Authorities](#) —The Secretary and the Director may jointly establish new excepted or competitive appointing authorities, which include noncompetitive appointments and excepted appointments that may lead to a subsequent appointment to the competitive service. Such authorities require public notice in the Federal Register with a public comment period prior to their establishment unless DoD determines that a critical mission requirement exists.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Management](#)

### Appointing Authorities - Continued

(  
**9901.511**

Severe Shortage/Critical Need Hiring Authority—DoD may exercise **direct hire authority** when it determines there is a severe shortage of critical candidates or a critical hiring need. Public notice will be provided in accordance with 5 U.S.C 3304(a)(3)(A), and DoD will inform OPM of all determinations made.

Time-Limited Appointing Authorities—The Secretary, in coordination with OPM, may prescribe the duration, advertising requirements, examining procedures, and appropriate uses of **time-limited appointments**.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Home](#)  
e

### Probationary Periods

(  
9901.512  
)

The Secretary may establish probationary and/or trial periods and prescribe the conditions for such periods. Preference eligibles who complete one year of their probationary periods will be covered by the adverse actions and the appeals procedures in these regulations.

An employee who fails to complete the in-service probationary period (e.g., a supervisory probationary period) will be returned to a position and rate of pay comparable to the position and rate of pay he or she held before the probationary period.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment](#) -> [Proposed Regulations](#)

## Qualification Standards

(  
**9901.513**  
)

DoD may, at its discretion, establish qualification standards for NSPS positions (to supplement or replace the OPM qualification standards). DOD may continue to use OPM qualification standards.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment](#) > [Non-Citizen Hiring](#)

### Non-Citizen Hiring

(  
9901.514  
)

Procedures for hiring non-citizens into the excepted service (when qualified U.S. citizens are not available) may be prescribed by DoD, in accordance with applicable immigration laws and security requirements.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) → [Staffing and Employment](#) → [Proposed Regulations](#)

### Competitive Examining Procedures

(  
**9901.515**)

DoD will provide public notice for all vacancies in the career service and accept applications from all sources; however, applicants from the local commuting area and other targeted sources may receive first consideration.

DoD will establish procedures for competitive examining for entry into NSPS positions (examinations to determine the preferred applicant). These procedures will be in accordance with merit system principles and veterans' preference requirements.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Staffing and Employment Management](#)

### Internal Placement

(  
**9901.516**

DoD will develop methods for assigning, reassigning, detailing, transferring, and promoting employees into or within NSPS, using competitive procedures (with appropriate exceptions) and/or non-competitive procedures, for permanent or time-limited actions.

## Staffing and Employment - Knowledge Check 1

Click the appropriate answer.

The NSPS regulations do not impact which of the following staffing and employment aspects?

- a) Employee recruitment
- b) Employee retention
- c) Veterans' preference
- d) Qualification requirements

## Staffing and Employment - Knowledge Check 2

Click the appropriate answer.

OPM appointing authorities will not be retained in the new system.

- a) True
- b) False

## Staffing and Employment - Knowledge Check 3

Click the appropriate answer.

The NSPS competitive examining procedures state all of the following except:

- a) DoD will provide public notice for all vacancies.
- b) DoD will accept applications from all sources.
- c) Local applicants will have equal consideration with applicants from farther away.
- d) DoD may establish new competitive examining procedures under NSPS



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## Workforce Shaping

The proposed regulations contain the following sections.  
Select one for more information.

- Purpose and Applicability
- Scope of Authority
- Coverage
- Competitive Area
- Competitive Group
- Retention Standing
- Displacement, Release, and Position Offers
- Reduction in Force Notices
- Voluntary Separation
- Reduction in Force Appeals

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping Menu](#)

### Purpose and Applicability

(  
**9901.601**)

These sections establish DoD procedures for reducing staff as the result of organizational decisions such as reshaping, realigning, reorganizing, etc.

The proposed regulations retain existing veterans' preference protections in reduction in force (RIF). However, the proposed regulations do provide the **Department** with additional flexibilities to minimize disruption resulting from any reduction in force actions that take place.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [Workforce Shaping Menu](#)  
e

### **Purpose and Applicability - Continued**

(  
**9901.601**

They also determine **employees'** retention standing on the basis of statutorily mandated factors (i.e., tenure, veterans' preference, **performance**, length of service, and other factors DoD considers necessary and appropriate).

To the maximum extent possible, DoD will only involuntarily separate or **furlough** employees by RIF when RIF-avoidance actions do not produce sufficient voluntary attrition.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

### Scope of Authority

(  
**9901.602**

For covered employees, the workforce shaping sections) of the proposed regulations replace and modify the provisions of 5 U.S.C. 3501, 3502 (except with respect to veterans' preference), and 3503.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping Menu](#)  
e

## Coverage

(  
**9901.604**  
)

The workforce shaping sections of the proposed regulations cover employees and **positions** who would otherwise be covered by 5 U.S.C. chapter 35 and others designated by the **Secretary** as authorized for DoD. They do not cover **SES** members and employees excluded from coverage by other statutory authority.

The sections cover the following actions:

- Reduction in force
- Transfer of function
- Furlough

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

### Competitive Area

(  
**9901.605**

NSPS authorizes a **competitive area** on the basis of one or more of the following considerations that include geographical location(s), line(s) of business, product line(s), organizational unit(s), and funding line(s).

When a competitive area will be in effect for less than 90 **days** prior to the effective date of the RIF, DoD is responsible for any decision to approve the competitive area prior to the RIF effective date.

DoD may establish a competitive area only on the basis of legitimate organizational reasons, not as a pretext for targeting an individual employee for release on the basis of non-merit factors.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

### Competitive Group

(  
**9901.606**  
)

As part of NSPS, DoD must establish separate **competitive groups** for employees in the excepted vs. the competitive service, under different excepted service appointment authorities, and with different work schedules.

DoD may further define competitive groups on the basis of one or more of other considerations (e.g., **career group**, **pay schedule**, **occupational series** or specialty, pay band, and trainee status).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping Menu](#)  
e

### Retention Standing

**(9901.60**

**7)**

DoD's retention lists will be in descending order based on the following criteria:

- Tenure: Career employees (including probationary employees) will be listed first, followed by employees on term appointments, and other employees as identified in DoD implementing issuances.
- Veterans' preference: Employees will be listed in accordance with the preference requirements in §§ 5 CFR 351.504(c) and (d) of OPM's RIF regulations.
- The rating of record: Employees will be ordered from highest rating to lowest rating as defined by DoD regulations and implementing issuances.
- Creditable civilian and uniformed service: Employees will be listed in accordance with § 5 CFR 351.503 of OPM's RIF regulations.

(Continued)



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping Menu](#)

### Retention Standing - Continued

(  
**9901.607**

Names of active armed forces members will not appear) on the list.

Employees who receive reduction in force **notices** and their employee representatives will have access to the applicable retention lists.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

### **Displacement, Release, and Position Offers**

(

**9901.608**

Employees on a **retention list** who are displaced because of position abolition, or because of displacement resulting from the abolition of the position of a higher-standing employee on the retention list, may displace a lower-standing employee on the same list if the higher-standing employee is qualified for the position, and no **undue interruption** would result from the displacement.

Displaced employees are not provided a **displacement right** (i.e., a “bump” right) to a different retention list.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

# **Displacement, Release, and Position Offers - Continued**

[Home](#) -> [Workforce Shaping Menu](#)  
[e](#)

**9901.608**

At its option, DoD may offer an employee released from a retention list a vacant position within the competitive area in lieu of RIF based on the employee's relative retention standing (i.e., the qualified employee with the highest standing is the first employee eligible to receive an offer).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

### Reduction in Force Notices

(  
**9901.609**)

DoD will provide a specific written notice to each employee reached for a RIF action at least 60 days before the RIF effective date.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

## Voluntary Separation

(  
**9901.610**)

DoD may authorize voluntary RIF separations for NSPS employees in a manner similar to present DoD authority under title 5.

For each employee separated by a voluntary RIF action, DoD will retain an employee in a similar position who would otherwise be separated due to RIF.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Workforce Shaping](#) > [Definitions](#)

### Reduction in Force Appeals

(  
**9901.611**)

An employee who is separated, reduced in band or furloughed for more than 30 consecutive days by a RIF action by DoD and believes that DoD did not properly apply its retention regulations may appeal to the Merit Systems Protection Board ([MSPB](#)).

## Workforce Shaping - Knowledge Check 1

Click the appropriate answer.

For reduction in force (RIF) actions, the proposed regulations do not

\_\_\_\_\_:

- a) Retain existing veterans' preference protections in RIFs.
- b) Provide the Department with additional flexibilities to minimize disruption resulting from any RIF actions.
- c) Set up a framework to determine employees' retention standing.
- d) Cover actions involving performance or conduct.

## Workforce Shaping - Knowledge Check 2

Click the appropriate answer.

Under NSPS, tenure is the most important factor in retention standing.

- a) True
- b) False

## Workforce Shaping - Knowledge Check 3

Click the appropriate answer.

Employees can appeal RIF actions to OPM.

- a) True
- b) False



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

### **Adverse Actions**

The proposed regulations contain the following sections.  
Select one for more information.

- Purpose
- Waivers
- Coverage
- Standard for Action
- Mandatory Removal Offense (MRO)
- Procedures
- Proposal Notice
- Opportunity to Reply
- Decision Notice
- Departmental Record
- Savings Provision

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)  
e

## Purpose

(  
**9901.701**  
)

The sections on **adverse actions** in the proposed regulations set down procedures and requirements for **employees** who are removed, suspended, furloughed for 30 days or less, reduced in pay, or reduced in **pay band** (or comparable reduction). DoD considers these adverse actions for employees covered under NSPS.

These changes are directed at the cumbersome and restrictive requirements for addressing and resolving **unacceptable performance** and misconduct. The proposed changes streamline the rules and procedures for taking adverse actions, to better support the mission of the **Department** while ensuring that employees receive due process and fair treatment guaranteed by the law authorizing the establishment of NSPS.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)  
e

### Waivers

(  
9901.702  
)

The adverse action sections of NSPS waive and replace certain parts of chapters 43 and 75 of title 5.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)  
e

## Coverage

(  
**9901.704**

The adverse action sections cover the following actions against employees:

- Removal
- Suspension
- **Furlough** for 30 days or less
- Reduction in pay
- Reduction of pay band (or comparable reduction)

Additionally, all actions currently excluded from coverage remain excluded.

All DoD employees are eligible for coverage under subpart G, except where specifically excluded by law or regulation. Members of the National Security Labor Relations Board are also excluded from coverage.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions](#) version 1.0

### Standard for Action

(  
**9901.711**  
)

DoD may take adverse actions only to promote the efficiency of the service. A single system is established for taking adverse actions based on misconduct and/or unacceptable performance.

The proposed regulations eliminate the requirement for a formal, set period for an employee to improve **performance** before management may take an adverse action.

Management selects employees for their **positions** because the employees are well qualified. Under the new **performance management system**, management must explain to employees what level of performance they expect from them.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions](#) > [More](#)

### Standard for Action - Continued

(  
**9901.711**)

If an employee fails to perform at an acceptable level, management may use a variety of measures, including training, regular feedback, counseling, and at management's discretion, an improvement period, to address and resolve performance deficiencies.

If an employee is still unable or unwilling to perform as expected, it is reasonable for management to take an action against the employee.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [Adverse Actions](#) > [Definitions](#)

### Mandatory Removal Offense (MRO)

(  
**9901.712**)

The **Secretary** may identify offenses that have a direct and substantial adverse impact on DoD's national security mission, and warrant mandatory removal. A proposed notice of mandatory removal may be issued only after approval by the Secretary. Only the Secretary can mitigate this mandatory removal penalty.

DoD will publish an MRO listing in order to inform all employees which offenses have been designated as MROs prior to their adoption.

Nothing prohibits the Department from removing employees for offenses other than those identified as MROs.





## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)  
[e](#)

## Procedures

(  
**9901.713**)

Employees are entitled to advance written notice of a proposed adverse action, an opportunity to reply, and a decision notice.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)

## Proposal Notice

(  
**9901.714**)

Management will provide the employee at least 15 days advance notice of proposed action (at least 5 days when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed).

Management may place the employee in a paid, non-duty status, or other appropriate leave status (e.g., annual leave, sick leave, leave without pay (LWOP), or AWOL if the employee is absent from the worksite without approved leave) if the employee's presence in the workplace poses a threat to the employee or others, results in loss of or damage to Government property, or adversely affects DoD's mission.

Management may also assign the employee other duties during the proposal and reply periods, if the employee is no longer a threat to others, the mission, or Government property.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions](#) > [Opportunity to Reply](#)

## Opportunity to Reply

(  
9901.715

Employee will have at least 10 days to reply (concurrent with the 15 day notice period), either orally and/or in writing. If there is reason to believe the employee committed a crime that may require imprisonment, DoD will provide that employee at least 5 days (running concurrently with the proposal period) to reply orally and/or in writing.

An oral reply does not include the right to a formal hearing with witness examination.

During the opportunity to reply, DoD will provide a reasonable amount of official time to review evidence and furnish affidavits.

DoD will designate an official to receive an employee response.

The employee may be represented by an attorney or other representative of the employee's choice.

DoD may disallow employee representation under certain circumstances.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions Menu](#)

### Decision Notice

(  
**9901.716**)

Management will provide the decision notice on the proposed action in writing to the employee, stating the reasons for the decision and explaining appeal or grievance rights.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions](#) > [More](#)  
e

### Departmental Record

(  
**9901.717**)

The official record will be kept by the Department, and made available to the employee or Merit Systems Protection Board ([MSPB](#)), upon request. The record will include the proposal notice, employee's written response, summary of employee's oral response, decision notice, and any supporting material.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Adverse Actions](#) [Men](#)  
e

### Savings Provision

(  
9901.721  
)

These rules do not apply to adverse actions proposed prior to the date that the employee becomes covered by these provisions.

## Adverse Actions - Knowledge Check 1

Click the appropriate answer.

All of the following actions are considered adverse actions except:

- a) Suspension
- b) Furlough for 30 days or less
- c) Reduction in force (RIF)
- d) Reduction in pay

## Adverse Actions - Knowledge Check 2

Click the appropriate answer.

The NSPS regulations propose that adverse actions only be taken after Management attempts to correct an employee's performance or conduct through other measures.

- a) True
- b) False

## Adverse Actions - Knowledge Check 3

The proposed NSPS regulations include all of the following except:

- a) A 15-day proposal notice period for adverse actions
- b) A 10-day period for employees to reply
- c) A formal period where employees can improve their performance before action is taken
- d) A 5-day period for employees to reply when dealing with a crime that may require imprisonment



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## Appeals

The proposed regulations contain the following sections.  
Select one for more information.

- Purpose
- Applicable Legal Standards and Precedents
- Waivers
- Coverage
- Alternative Dispute Resolution (ADR)
- Appellate Procedures
- Appeals of Mandatory Removal Actions
- Actions Involving Discrimination
- Savings Provision

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)  
[e](#)

## Purpose

**(9901.80  
1)**

The appeals sections of the proposed regulations establish the process by which **employees** may appeal **adverse actions**, and implement the provision in the NSPS law allowing DoD to establish an internal appeals process.

The sections also modify the current process for appealing to **MSPB**, but retain MSPB **administrative judges** as the initial adjudicators of employee appeals to adverse actions.

These regulations are intended to ensure appropriate deference to the adverse actions taken by DoD and to streamline the way MSPB cases are handled while continuing to preserve and safeguard employee due process protections.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

### **Applicable Legal Standards and Precedents**

(  
**9901.802**)

In applying existing legal standards and precedents, <sup>1</sup>MSPB is bound by these regulations to recognize the **Department's** critical mission and the need to promote swift, flexible, and effective day-to-day accomplishment of that mission.



## Topics

**General  
Provisions  
Classification**

**Pay and Pay  
Administration**

**Performance  
Management**

**Staffing and  
Employment**

**Workforce  
Shaping  
Adverse Actions**

**Appeals**

**Labor-  
Management  
Relations  
Exit**

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)  
e

### **Waivers**

(  
**9901.803**)

For applicable employees, the appeals sections of NSPS waive certain provisions in chapter 77 of title 5.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)  
e

## Coverage

**(9901.80  
5)**

Appeals procedures apply to employees who appeal removal, suspension for more than 14 **days** (including **indefinite suspensions**), **furloughs** of 30 days or less, reductions in pay, or reductions in **pay band** (or comparable reduction) resulting from adverse actions.

Employees who are removed during a probationary period are provided appeal rights found in 5 CFR 315.806.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)  
[e](#)

### Coverage - Continued

**(9901.80  
5)**

Preference eligible employees who are removed after completing 1 year of a probationary period are provided appeal rights.

The appeals rules in the proposed NSPS regulations do not apply to RIF actions; or actions taken under internal DoD placement programs, including the DoD Priority Placement Program.

Appeals of suspensions of 14 days or less and other less disciplinary actions are not covered, however, they may be grieved through a negotiated grievance procedure or an administrative grievance procedure.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) > [Appeals](#) > [Appeals](#)

# Alternative Dispute Resolution (ADR)

(  
**9901.806**)

ADR can be an effective tool in resolving issues without using formal adverse action and appeal procedures. The use of ADR is encouraged (but not mandated).

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)

## Appellate Procedures

(  
**9901.807**)

- The employee has a right to be represented by an attorney, or other representative.
- Employee appeals will be assigned to an MSPB AJ, who will apply DoD rules in processing and deciding the case. Appeals must be filed within 20 days of the effective date of the action.
- DoD may not grant employees interim relief stay actions against employees, unless the full MSPB so orders after the Department has issued a final decision.
- An AJ cannot require any party to engage in settlement discussions. Any settlement discussions will not be conducted by the presiding AJ (another official will be assigned). Alternatively, the parties may decide to engage in settlement discussions on their own.
- Parties may seek to limit discovery; and will be limited to one set of interrogatories, one set of requests for productions, and one set of requests for admissions. Parties may only compel 2 depositions.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals](#) -> [Appeals](#)

### **Appellate Procedures - Continued**

(  
**9901.807**

- In cases where material facts are not in dispute, the AJ may limit the scope of a hearing or issue a decision without holding a hearing (summary judgment) upon his or her own initiative, or based on a request by either party.
- The agency action may not be reversed based on the way the charge is labeled or conduct is characterized provided the employee is on notice sufficient to respond to the allegations.
- An agency performance-based action may not be reversed based on the way the performance expectation is expressed, provided the expectations would be clear to a reasonable person.

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Proposed Menu](#)

## Appellate Procedures - Continued

(  
**9901.807**

- The AJ must sustain the action if it is supported by a **preponderance of the evidence**, unless the employee shows (by a preponderance of the evidence) that there was **harmful error** in applying procedures, the decision was based on a prohibited personnel practice, or not in accordance with law.
- An arbitrator, AJs, or the full MSPB may only mitigate or modify penalties if there is a finding that the penalty imposed by DoD was so disproportionate to the basis for the action as to be wholly without justification. When a penalty is mitigated, the maximum justifiable penalty must be applied by the arbitrator, AJ or full MSPB.
- The AJ must issue an initial decision on appeals within 90 days after filing.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Proposed Menu](#)  
e

### Appellate Procedures - Continued

(  
**9901.807**

- Either party may request a review of the initial AJ decision—a request for review (RFR) sent to both DoD and MSPB concurrently. DoD will have the authority to review RFRs and remand, modify or reverse, or affirm an initial AJ decision. The result of a DoD review will be the final agency decision.
- The initial AJ decision becomes final after 30 days of its issuance, unless either party files an RFR. The initial AJ decision becomes final after 30 days of an RFR filing, unless DoD serves notice that it will act on the RFR and reconsider the initial AJ decision.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Proposed Menu](#)  
e

### Appellate Procedures - Continued

(  
9901.807

- In cases where DoD lets stand an initial AJ decision, that decision becomes the final, non-precedential DoD decision. Where an RFR was filed, that RFR will become a **petition for review** (PFR) to the full MSPB, and MSPB will process the PFR.
- In cases where DoD modifies or reverses an initial AJ decision, the employee may petition the full MSPB for review of that final DoD decision. The full MSPB must act on a PFR within 90 days after receipt of a timely response to the PFR.
- Failure of the MSPB to meet its deadlines will not prejudice the parties and will not form the basis for any legal action by any party.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Proposed](#) [Menu](#)  
e

### Appellate Procedures - Continued

(  
9901.807

- The Director, OPM, has the right to intervene in a proceeding if he or she believes that an erroneous decision may have government-wide impact. This includes requesting an appeal of a final agency decision to the full MSPB, requesting reconsideration of a full MSPB decision—after consultation with the Secretary of DoD—and seeking judicial review.
- The Secretary or an employee may seek judicial review of a full MSPB decision. The Secretary may seek reconsideration of a final MSPB decision, before seeking judicial review.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Proposed](#) [Menu](#)  
e

## Appellate Procedures - Continued

(  
9901.807  
)

The AJ may require payment of attorney fees if the employee is the prevailing party and such payment is warranted in the interest of justice only when the Department engaged in a prohibited personnel practice or the Department's action was clearly without merit based upon facts known to management when the action was taken.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) [Topics](#) [Menu](#)  
[e](#)

# Appeals of Mandatory Removal Actions

(  
**9901.808**)

Appeals of mandatory removal actions will be processed the same as other actions, except that only the Secretary may mitigate the penalty for a sustained offense.

If the MSPB AJ or full MSPB sustains an employee's appeal based on a finding that the employee did not commit an MRO, the Department may propose an adverse action (other than an MRO) based in whole or in part on the same or similar evidence.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals](#) > [Appeals](#)

### **Actions Involving Discrimination**

(  
**9901.809**)

The appeals sections do not change existing law for actions involving discrimination. Employees may still obtain an Equal Employment Opportunity Commission (EEOC) review of their discrimination claims in actions appealable to the MSPB.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Appeals Menu](#)

### Savings Provision

(  
**9901.810**)

These rules do not apply to adverse actions proposed prior to the date of employee's coverage under these provisions.

## Appeals - Knowledge Check 1

Click the appropriate answer.

The proposed regulations eliminate the Merit Systems Protection Board (MSPB).

- a) True
- b) False

## Appeals - Knowledge Check 2

Click the appropriate answer.

Under NSPS, how many days will employees have to appeal an adverse action?

- a) 20 days
- b) 40 days
- c) 10 days
- d) 30 days

## Appeals - Knowledge Check 3

Click the appropriate answer.

Only the \_\_\_\_\_ can mitigate a mandatory removal offense (MRO) penalty.

- a) The MSPB
- b) OPM
- c) Supervisor
- d) Secretary of Defense

## Appeals - Knowledge Check 4

Click the appropriate answer.

The proposed NSPS appeals procedures affect existing law for actions involving discrimination.

- a) True
- b) False

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## **Labor-Management Relations**

The proposed regulations contain the following sections.

Select one for more information.

- Purpose
- Scope of Authority
- Coverage
- Impact on Existing Agreements
- Employee Rights
- National Security Labor Relations Board
- Powers and Duties of the Board
- Powers and Duties of the Federal Labor Relations Authority (FLRA)
- Management Rights
- Exclusive Recognition of Labor Organizations
- Determination of Appropriate Units for Labor Organization Representation
- National Consultation
- Representation Rights and Duties
- Allotments to Representation
- Unfair Labor Practices
- Duty to Bargain and Consult
- Multi-unit Bargaining
- Collective Bargaining Above the Level of Recognition
- Negotiation Impasses
- Standards of Conduct for Labor Organizations
- Grievance Procedures
- Exceptions to Arbitration Awards
- Official Time
- Compilation and Publication of Data
- Regulations of the Board
- Continuation of Existing Laws, Recognitions, Agreements, and Procedures
- Savings Provisions



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

## Purpose

**(9901.901**  
)

NSPS regulations create the framework for a new Labor Management Relations System (labor relations system), which requires an issue-based, collaborative approach to labor relations that recognizes the unique national security mission of the **Department**.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

## Scope of Authority

**(9901.902**  
)

The NSPS regulations modify chapter 71 of title 5.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

## Coverage

**(9901.904  
)**

The labor relations sections of the regulations cover all eligible DoD **employees**, subject to a determination by the **Secretary**. DoD employees who would otherwise be eligible for bargaining unit membership under chapter 71 of title 5, as modified by 9901.912, are eligible for bargaining unit membership under these regulations.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### **Impact on Existing Agreements**

**(9901.905**

)

The provisions of the NSPS labor relations system may impact existing collective bargaining agreements. Provisions of existing agreements that are inconsistent with the NSPS regulations are unenforceable; however, the remainder of the agreement is not affected.

The parties will have a 60-day period after the effective date of coverage to bring into conformance with NSPS the negotiable terms which have been rendered unenforceable. If the parties fail to reach an agreement by that date, they can pursue the matter further under the new negotiation impasse rules.

The Secretary, at his discretion, may continue all or part of a particular provision for a category or categories of employees, and may cancel such continuation at any time.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Employee Rights

**(9901.906**  
)

Employees may bargain collectively over **conditions of employment** as set forth in these regulations, join (or choose not to join) a labor union, and act for a labor union as a representative. There is no significant change from chapter 71 of title 5.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[e](#) [Menu](#)

# **National Security Labor Relations Board (9901.907 )**

The new regulations establish a National Security Labor Relations Board (NSLRB or Board) to adjudicate and resolve labor disputes—effectively replacing the current Federal Labor Relations Authority (FLRA) in that role.

There will be at least three members on the NSLRB (but always an odd number), appointed by the Secretary, and removed only under the same conditions as FLRA members.

Members will be independent, distinguished citizens known for their integrity, impartiality, and expertise in labor relations and/or the DoD mission, and/or relevant national security matters.

One member is selected from a list of three to five nominees jointly developed by DoD and [OPM](#). (Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

# **National Security Labor Relations Board - Continue d**

**(9901.907)**

The Secretary appoints the Chair of the Board. The ~~vote~~ of the Chair becomes a tiebreaker when there are an even number of Board members created by a vacancy.

A majority vote of the NSLRB is final and binding (subject to FLRA approval).

The Authority will accept the findings of fact and interpretations made by the Board and sustain the Board's decision unless it is shown the Board's decision was--(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (ii) caused by harmful error in the application of the Board's procedures in arriving at such decision; or (iii) unsupported by substantial evidence.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### **Powers and Duties of the Board**

**(9901.908  
)**

The NSLRB must interpret the NSPS regulations in a way that promotes the swift, flexible and effective, day-to-day accomplishment of the Department's mission as defined by the Secretary.

To the extent provided by these regulations, the NSLRB may perform the following activities:

- Conduct hearings and resolve complaints of unfair labor practices (ULPs).
- Resolve issues relating to the scope of bargaining.
- Resolve disputes concerning certain requests for information.
- Resolve exceptions to arbitration awards.
- Resolve negotiation impasses (in accordance with these regulations). (Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[Menu](#)

## **Powers and Duties of the Board - Continued**

**(9901.908**

)

- Conduct new review involving all matters within the Board's jurisdiction. (The Board evaluates evidence presented in the record and reaches its own conclusions, but cannot issue status quo ante remedies where the remedies are not intended to cure egregious violations of NSPS regulations or where such an award imposes an economic hardship or interferes with the efficiency or effectiveness of the Department's mission or impacts national security.)
- Resolve disputes regarding the granting of national consultation rights.
- Issue binding, published opinions eligible for appeal through the FLRA to Court.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[Menu](#)

## **Powers and Duties of the Board - Continued**

**(9901.908**

)

While the Department may issue interim rules for the NSLRB, the NSLRB will ultimately prescribe its own rules and publish them in the Federal Register.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[e-Menu](#)

# **Powers and Duties of the Federal Labor Relations Authority (FLRA)**

**(9901.909)**

FLRA will make appropriate unit determinations, conduct or supervise union elections, and review certain NSLRB decisions.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[Menu](#)

### Management Rights

(  
**9901.910**)

The NSPS regulations prohibit management from bargaining over the procedures of core operational management rights, but management must consult (not bargain) over procedures used in the exercise of these rights.

Additionally, management must bargain over the appropriate arrangements stemming from the exercise of these rights, where it is shown a change in conditions of employment is significant and substantial resulting in an adverse impact on bargaining unit employees.

Bargaining will not prevent or delay management from exercising its rights (post implementation bargaining is authorized).

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[Menu](#)

## Management Rights - Continued

(  
**9901.910**)

Under 9901.910(a)(1) and (2) of the NSPS regulations,) management has the right to determine the following core operational matters.

- Mission
- Budget
- Organization
- Number of employees
- Internal security practices
- Hiring
- Contracting out
- Numbers, types, pay schedules, pay bands and grades
- Work assignments
- Technology, methods and means of performing work

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[Menu](#)

## Management Rights - Continued

(  
**9901.910**)

Under 9901.910(a)(3) of the NSPS regulations, management has the right to make personnel management right decisions concerning the following matters.

- Layoffs
- Adverse actions/discipline
- Selections for appointment

Upon request from the union, management must bargain over procedures used in the exercise of these rights as well as bargain appropriate arrangements. Appropriate arrangement bargaining may be triggered when it is shown a change in conditions of employment is foreseeable, significant and substantial in terms of both impact and duration, and there is a resulting adverse impact on bargaining unit employees.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

# **Exclusive Recognition of Labor Organizations**

(  
**9901.911**  
)

DoD will accord exclusive recognition for a **labor organization** elected by eligible employees (secret ballot, majority of votes cast) in an appropriate unit as determined by the Authority. There is no change from chapter 71 of title 5.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### **Determination of Appropriate Units for Labor Organization Representation**

**9901.912**)

In determining appropriate units, the FLRA will ensure a clear and identifiable community of interest among the employees, consistent with Department's mission and organizational structure.

These regulations retain chapter 71 exclusions of certain kinds of employees from bargaining units—new exclusions include: employees engaged in clerical personnel work, attorneys, and supervisors of military members.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### National Consultation

**(9901.913**  
)

The Department and Components will conduct national consultation over substantive changes in conditions of employment with those unions holding national consultation rights. National consultation is not required where national level bargaining has occurred or where the continuing collaboration procedures apply. Nothing in the proposed regulations precludes management from seeking the views of other labor organizations not holding national consultation rights, nor does the conduct of national consultation eliminate any local labor relations obligations.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[e](#) [ENR](#)

### **Representation Rights and Duties**

**(9901.914**

)

This section replaces the FLRA flagrant misconduct standard by providing that union representatives are subject to the same expectations regarding conduct as any other employee. It also provides for union representation at formal discussions if management is:

- Announcing or discussing new or substantially changed personnel policies or practices.
- Discussing grievances filed under a negotiated grievance procedure.

(Continued)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[Menu](#)

# **Representation Rights and Duties - Continued**

**(9901.914)**

The union representation right does not apply to discussions involving:

- Operational matters (where such discussion is incidental)
- A reiteration or application of existing personnel policies, practices, or working conditions

**(Continued)**

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)

[Sitemap](#) [Menu](#)

# Representation Rights and Duties - Continued

**(9901.914)**

The proposed regulations also preserve the "Weingarten right", which permits union representation at the employee's request when management examines an employee during an investigation and the employee reasonably believes that discipline may follow.

Weingarten rights, however, do not apply to investigations by criminal investigative bodies (e.g., NCIS, CID, OSI) or the Inspector General.

Agreements between management and the **exclusive representative** are subject to approval by the Secretary.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Allotments to Representation

**(9901.915)**

Current chapter 71 authorizations and requirements concerning dues allotments are retained in this section.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Unfair Labor Practices

**(9901.916  
)**

Management's unfair labor practices (ULPs) remain almost identical to those contained in chapter 71. The major difference is the elimination of 7116(a)(7), which provided that it is a ULP to enforce a rule or regulation, which is in conflict with a collective bargaining agreement if the agreement was in effect prior to the issuance of the rule or regulation.

Such action is no longer a ULP because the proposed regulations provide that law, Government-wide rules and regulations, Presidential issuances, and **DoD issuances** will supersede current collective bargaining agreements where the terms conflict. This includes Department issuances in existence prior to the effective date of these regulations.

**(Continued)**



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

# **Unfair Labor Practices - Continued**

## **(9901.916)**

Under NSPS, the Board will not consider any ULP charge filed more than 90 days after the alleged ULP occurred, unless the Board determines that there is good cause for the late filing.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### **Duty to Bargain and Consult**

**(9901.917  
)**

The new rules establish the duty to bargain in good faith and provide for referral of negotiability disputes and bargaining impasses to the Board for resolution.

They also establish DoD-wide and Component issuances (policies, etc.) as non-negotiable.

Bargaining over an initial or successor agreement is limited to 90 days, unless the parties mutually agree to continue bargaining. Mid-term bargaining is limited to 30 days.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Multi-unit Bargaining

**(9901.918  
)**

The new labor relations system provides management the ability to negotiate with multiple exclusive representatives at varying geographical or organizational levels, in order to bargain once over the same issue.

Such bargaining is at the discretion of management, and is binding on all parties requested to participate.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

# **Collective Bargaining Above the Level of Recognition (9901.919)**

NSPS provides national level bargaining, at the discretion of the Secretary, to negotiate an issue at a level above the level of recognition, and provides that resultant agreements are binding on all subordinate bargaining units of the labor organizations invited to participate. The regulations exclude National Guard Bureau and Air and Army National Guard from national level bargaining.

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Negotiation Impasses

**(9901.920**  
)

The Board has impasse resolution authority. A single, integrated process is required to resolve all matters associated with negotiation disputes (negotiability appeals, ULPs, impasses).





## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

# **Standards of Conduct for Labor Organizations (9901.921)**

The new labor relations standards of conduct are the same as under chapter 71.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

## Grievance Procedures

**(9901.922**  
)

Collective bargaining agreements will include procedures for settlement of grievances, using binding arbitration. The procedures will exclude grievances over performance appraisal ratings of record. They are subject to only an administrative reconsideration process.

Employees may use NGP or appropriate appeal procedure for appealable matters, but not both.

New exclusions under the negotiated grievance procedure:

- A **rating of record** issued under subpart D, which is handled under NSPS regulatory reconsideration or appeal procedure
- **Mandatory removal offense**
- **Classification or pay** of any position, regardless of whether it results in a reduction in pay or grade



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [NSPS](#)

### **Exceptions to Arbitration Awards**

**(9901.923**  
)

Either party may file an exception to any arbitrator's award, except those awards involving appealable actions under the NSPS regulations, with the NSLRB. Parties file the exceptions involving the appealable actions as a request for review with the Department of Defense and **MSPB**, a petition for review to the MSPB, and then to the Federal Circuit.

Parties may also file exceptions based on the arbitrator's failure to properly consider the Department's national security mission or to comply with applicable NSPS regulations and DoD issuances. In reviewing exceptions, the NSLRB may determine its own jurisdiction without regard to whether any party has raised a jurisdictional issue.





## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Official Time

**(9901.924**  
)

In recognition of the foregoing duties of the union, the regulations preserve the official time provisions in chapter 71 of title 5. In so doing, the regulations clarify that, consistent with current law, official time is not permitted for representational duties outside the exclusive representative's bargaining unit, except for multi-unit bargaining and bargaining above the level of recognition and mutual agreement of the agency and the exclusive representatives involved.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

# **Compilation and Publication of Data**

**(9901.925)**

Under these regulations, the Board is required to maintain official records of files, and publish text of rulings.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Regulations of the Board

**(9901.926**  
)

DoD will issue interim rules governing the operation of the Board, with final issuance via the Federal Register, subject to national consultation rights.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### **Continuation of Existing Laws, Recognitions, Agreements, and Procedures**

**9901.927)**

Nothing precludes renewal or continuation of an exclusive recognition, certification of an exclusive representative, or an agreement that is otherwise consistent with law, these regulations, and DoD issuances entered into before the effective date of the labor relations system.

All Presidential Orders will remain in effect unless specified by these regulations or by DoD **implementing issuances**.



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Labor-Management Relations](#)  
[e](#) [Menu](#)

### Savings Provisions

**(9901.928  
)**

The new labor relations rules will not apply to grievances or other administrative proceedings already pending when the rules go into effect. Any remedy that applies after the date of coverage will not be enforceable if it conflicts with applicable provisions of the new rules.

## Labor Relations - Knowledge Check 1

Click the appropriate answer.

The NSPS labor relations system \_\_\_\_\_ existing collective bargaining agreements.

- a) Modifies
- b) Expands
- c) Replaces
- d) Reduces

## Labor Relations - Knowledge Check 2

Click the appropriate answer.

NSPS has no impact on the employees' rights to bargain collectively.

- a) True
- b) False

## Labor Relations - Knowledge Check 3

Click the appropriate answer.

In the new system, the National Security Labor Relations Board (NSLRB) may perform all of the following activities except:

- a) Conducting hearings and resolving complaints of unfair labor practices (ULPs).
- b) Resolving issues relating to bargaining scope.
- c) Resolving negotiation impasses.
- d) Determining the appropriateness of bargaining units.

## Labor Relations - Knowledge Check 4

Click the appropriate answer.

National consultation is not required where national level bargaining has occurred or where the continuing collaboration procedures apply.

- a) True
- b) False

## Labor Relations - Knowledge Check 5

Click the appropriate answer.

Which of the following actions are not ULPs?

- a) Publicizing elections
- b) Correcting the record
- c) Informing employees of Government policy
- d) Enforcing a DoD NSPS implementing rule or regulation, which is in conflict with a collective bargaining agreement if the agreement was in effect prior to the issuance of the rule or regulation.
- e) All of the above

## Labor Relations - Knowledge Check 6

Click the appropriate answer.

DoD-wide and Component issuances (policies, etc.) are \_\_\_\_\_.

- a) Non-negotiable
- b) Negotiable



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#)

## Definitions Menu

Select a section to see its corresponding definitions.

- General Provisions
- Classification
- Pay and Pay Administration
- Performance Management
- Staffing and Employment
- Workforce Shaping
- Adverse Actions
- Appeals
- Labor-Management Relations



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
[e](#)

## Definitions - General Provisions

- Band
- Basic Pay
- Career Group
- Competencies
- Contribution
- Day
- Department or DoD
- Director
- Employee
- Furlough
- General Schedule
- Implementing Issuances
- Mandatory Removal Offense (MRO)
- NSPS
- Occupational Series
- OPM
- Pay Schedule
- Performance
- Promotion
- Rating of Record
- Reassignment
- Reduction in Band
- Secretary
- SES
- SL/ST
- Unacceptable Performance



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
[e](#)

### Definitions - Classification

- Band
- Basic Pay
- Career Group
- Classification
- Competencies
- Occupational Series
- Pay Band
- Pay Schedule
- Position (or Job)

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
e

## Definitions - Pay and Pay Administration

- Band
- Band Rate Range
- Basic Pay
- Bonus
- Career Group
- Competencies
- Contribution
- Contribution Assessment
- CONUS or Continental United States
- Extraordinary Pay Increase (EPI)
- Local Market Supplement
- Modal Rating
- Pay Band or Band
- Pay Pool
- Pay Schedule
- Performance
- Performance Payout
- Performance Share
- Performance Share Value
- Promotion
- Rating of Record
- Reassignment
- Reduction in Band
- Unacceptable Performance

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
e

## Definitions - Performance Management

- Appraisal
- Appraisal Period
- Competencies
- Contribution
- Minimum Period
- Pay-for-Performance Evaluation System
- Performance
- Performance Expectations
- Performance Management
- Performance Management System
- Rating of Record
- Unacceptable Performance

## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
[e](#)

### Definitions - Staffing and Employment

- Career Employee
- Promotion
- Reassignment
- Reduction in Band
- Temporary Employee
- Term Employee
- Time-Limited Employee



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
e

## Definitions - Workforce Shaping

- Competing Employee
- Competitive Area
- Competitive Group
- Displacement Right
- Notice
- Rating of Record
- Retention Factors
- Retention List
- Tenure Group
- Undue Interruption



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
e

### Definitions - Adverse Actions

- Adverse Action
- Furlough
- Indefinite Suspension
- Mandatory Removal Offense (MRO)



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

## *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
[e](#)

### Definitions - Appeals

- Administrative Judge, or AJ
- Class Appeal
- Harmful Error
- Mandatory Removal Offense (MRO)
- MSPB
- Petition for Review (PFR)
- Preponderance of the Evidence
- Request for Review (RFR)



## Topics

General  
Provisions  
Classification

Pay and Pay  
Administration

Performance  
Management

Staffing and  
Employment

Workforce  
Shaping  
Adverse Actions

Appeals

Labor-  
Management  
Relations  
Exit

# *Fundamentals of NSPS: An Overview of the Proposed Regulations*

[Home](#) -> [Definitions Menu](#)  
[e](#)

## Definitions - Labor-Management Relations

- Authority
- Board
- Collective Bargaining
- Collective Bargaining Agreement
- Component
- Conditions of Employment
- Confidential Employee
- Consult
- DoD Issuance or Issuances
- Dues
- Exclusive Representative
- FMCS
- Grade
- Grievance
- Labor Organization
- Management Official
- Person
- Professional Employee
- Supervisor

## Acronym List



Return to Previous Screen

<b>ADR</b>	Alternative Dispute Resolution	<b>MSPB</b>	Merit Systems Protection Board
<b>AJ</b>	Administrative Judge	<b>NCIS</b>	National Criminal Intelligence Service
<b>AWOL</b>	Absent Without Leave	<b>NGP</b>	Negotiated Grievance Procedure
<b>CFR</b>	Code of Federal Regulations	<b>NSLRB</b>	National Security Labor Relations Board
<b>CID</b>	Criminal Investigation Division	<b>NSPS</b>	National Security Personnel System
<b>DHS</b>	Department of Homeland Security	<b>OIPT</b>	Overarching Integrated Product Team
<b>DoD</b>	Department of Defense	<b>OMB</b>	Office of Management and Budget
<b>EEOC</b>	Equal Employment Opportunity Commission	<b>OPM</b>	Office of Personnel Management
<b>FLRA</b>	Federal Labor Regulations Authority	<b>OSI</b>	Office of Special Investigations
<b>FMCS</b>	Federal Mediation and Conciliation Service	<b>PDF</b>	Portable Document Format
<b>FR</b>	Federal Register	<b>PEO</b>	Program Executive Office
<b>FWS</b>	Federal Wage System	<b>PFR</b>	Petition for Review
<b>FY</b>	Fiscal Year	<b>RIF</b>	Reduction in Force
<b>HR</b>	Human Resources	<b>RFR</b>	Request for Review
<b>IG</b>	Inspector General	<b>SES</b>	Senior Executive Service
<b>KPP</b>	Key Performance Parameter	<b>SL/ST</b>	Senior and Scientific or Professional Positions
<b>LWOP</b>	Leave Without Pay	<b>ULP</b>	Unfair Labor Practice
<b>MRO</b>	Mandatory Removal Offense	<b>U.S.C.</b>	United States Code



**Department of  
Defense**

## **Fundamentals of NSPS An Overview of the Proposed Regulations**

**National Security  
Personnel System**

